
A REVIEW

OF THE

Reports, Evidence and Arguments,

AS PRESENTED

IN THE CASE OF TRINITY CHURCH,

TO THE LEGISLATURE OF NEW-YORK, 1857.

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WHEN error once gets the start, as it too often does in this evil world, truth finds it hard to win the race. The passions, the prejudices, the interests of men, are like so many wires spread over the land, vibrating to the electric touch of falsehood. These telegraphs, swifter than Morse's, are the willing abettors of designing men, and carry their messages in every direction. On the other hand, Truth, old-fashioned creature that she is, delighting not in modern inventions, keeps to the old mail-coach, "her swift-sure line," and makes slow progress through the mud and mire, or on the hard road she has to travel [after error. But the race is not always to the swift! So even old Trinity, "in her four-wheeled chariot," as a facetious divine lately pictured her, may hope to overtake the nimble-footed rumors, falsehoods, and misrepresentations which designing men have made current, though swifter in their course than Atalanta of old. She would be sure to outstrip them if she would only adopt the expedient of Hippomenes, and throw down her golden apples to stay their course.

It is strange how often the fables of ancient mythology find antitypes in the realities of modern history. We find a counterfeit presentment, a summary account of the whole course of proceedings against Trinity Church, in a fabulous story 1263

years B. C. It is the story of the Argonauts after the Golden Fleece. All these expeditions have had but one object—to *fleece* old Trinity. The ghosts of the old Argonauts have risen up in the numerous progeny of Aneke Jantz and others; and when these have been laid by the voice of the Law, they have started up afresh in the more proper shapes of claimants for ghostly rights long defunct, advocates who appear as “spiritual mediums,” to diffuse more widely the solid advantages of the golden fleece, now guarded by the Dragon Corporation of Trinity. But these Argonauts have been shipwrecked in their vain attempt to pass the Scylla and Charybdis of the Senate and Assembly, or crushed between these Symplegades.

If we were believers in the doctrine of Pythagoras, we might think that the soul of Jason had at length passed into the body of the Chairman of a Committee of the New-York Senate, and that under his guidance the new ship *Argo*, built in the docks of New-York, would soon return from Albany freighted with the golden prize! The potent aid of the party, which seems most interested in wool, is hoped for in stripping from Trinity her golden fleece. If they can only lull to sleep that watchful dragon, the public, the flaying process will soon be accomplished. But all their incantations, though more subtle than those of Medea, cannot overcome the power of TRUTH. Let, then, her voice be heard.

But has not this voice been heard? Have there not been reports of a Senatorial Committee, testimony of trust-worthy men, and arguments of learned counsel? Yes—there have been all these, and more. Perhaps too much, rather than too little. Truth, like the Roman maiden, beneath the Sabine shields, may be crushed under the multitude of pretended defences. Our design is not to increase the superincumbent mass, but to strip off the useless bucklers, under whose weight she is now hidden, and crushed to the earth. That is the end and object of this Review.

The authority for every word here uttered shall be established by the documents printed and published under the direction and sanction of the Senate. Out of these, in which

there is no small admixture of chaff, let us try to sift the grains of Truth.

A brief glance at the rise and progress of the proceedings in the present case will further our object. It is usual—we might almost say a law established by universal precedent—where Legislative bodies are called upon to act in disturbance of existing interests, which have long enjoyed the quiet protection of law, that the case should be presented in the shape of a memorial, bearing known and responsible signatures. This seems a needful safeguard against improper legislation. Thus only can a Senate be preserved from imposition, and the rights of others be protected from the expense and vexation of needless disturbance. The present proceedings against Trinity Church had not this fair, honest, and righteous beginning. They began on the motion of a single senator. Whether he was impelled by his own interests and prejudices, or some other hand held the concealed wire which gave him impulse, was not known to the Senate, or those most interested. For all the Senate, or the public knew, he might have been the representative of some hostile sect, of Brigham Young, or Fanny Lee Townsend! It was not until after the Report of the Committee in January last, that the Senate, or the friends of Trinity, learned anything of the real movers in this matter. Then it was that they gathered from the witnesses—for in this strange *judicial* proceeding of a *legislative* body, there is no distinction between witnesses and accusers, judges and jury—that the real movers in the present proceedings, were those who had been foiled in similar efforts before the Senate in 1846, and unanimously rejected by the Assembly in 1847! It was wise to keep these parties in the back ground. More recent discoveries have shown, that among the most active movers in this matter, are those not of the Episcopal Church; one of whom, their Goliath of Gath, though not quite so invincible, nor battling openly as this manly champion, owns that he has been engaged for two years past in this work. The sling and stones of simple truth may be too mighty even for the chain armor of party politics!

The first resolutions were passed in the hurry and crowded business of the close of the session of 1855. In their intention

and in the points they touch, as well as *in those they omit*, and in their limitations of time and space so as to exclude some of the noblest deeds and gifts of Trinity, they show a designing and a skilful hand. These resolutions were answered by the Vestry, fully and fairly ; whereupon, again without any memorial from any body, the hidden impulse again acted, and just in the nick of time, and just in the most effective way. A few minutes before the close of the Session of 1856, the Report of the Church was referred to a Committee clothed with vague and plenary powers to act as they like. One long connected with the New-York Argonauts is made chairman, and so the ship Argo, commanded by the Honorable Mark Spencer, once more puts to sea with a roving commission. Well may Trinity tremble for her golden fleece ! After cruising around for some months in search of witnesses and other sources of information, they dropped anchor in New-York harbor, in the month of December.

Here they remained and examined witnesses of *their own selection* for parts of five days. Of these witnesses and their evidence, we shall speak hereafter. Some think that the guardians of the golden fleece were indulging in a short nap at this time, lulled into repose by their confidence in the honorable material of which this Committee was composed. On the whole it was, we are inclined to think, better that the Vestry let the Committee alone at this time. Their choice of the witnesses summoned by them ; their selection of the questions asked ; the judicious brevity of some examinations ; the prolix disquisitions drawn out from others who were made to swear not only to their own opinions, *but even to their own interpretations of law* (which we deem rather hard swearing, especially on a Church question), make as plain as daylight the *animus* and intention exciting and governing this investigation. Its end was not truth, but the fleece !

The Committee having, in this judicious manner, obtained just the facts they wanted, on the testimony of chosen witnesses—a soft compound of opinions and judgments, and hearsay evidence, which they sought to harden into solidity by the compression of oaths—evidence which any court of law would

have driven from the judgment-seat—give to the Senate the result of their expedition, in what they call a Report; but which is in fact a mere *ex parte* argument for which they well deserved a fee from their clients, the opposers of Trinity! As this Report of the Argonautic expedition has been completely thrown into the shade by a second more brilliant effort, still more deserving of a fee on the part of their clients, we shall let it rest in its merited obscurity!

One good effect, at least, it had. It thoroughly aroused the Corporation of Trinity Church to a sense of the extent and spirit of the hostile forces arrayed against them. Men of high honor, who have never thought of advancing a selfish interest by the power entrusted to them, who have ever sought honestly and truly to discharge their duty to the Church, they were slow to believe that such a confederacy could be arrayed in this free land, and under this just government, to despoil the trust of which they were the guardians. Men who acted always in the light of day, they were no matches for those who, without fear, but not all *without reproach*, were working against them in the dark. In the voice of this Report comes to them the assurance—"They have taken crafty counsel against thy people, and consulted against thy hidden ones: they have said, Come, and let us cut them off from being a nation, that the name of Israel may be no more in remembrance. For they have consulted together with one consent—they are confederate against thee. The tabernacles of Edom and the Ishmaelites; of Moab and the Hagarenes; Gebal, and Ammon, and Amalek; the Philistines with the inhabitants of Tyre; Assur also is joined with them; they have holpen the children of Lot."

Astonished at the character of the testimony and report, as well they might be, which had thus been brought against her, the Vestry of Trinity Church now demand that her witnesses shall be heard—witnesses who shall swear to *facts* not to opinions; witnesses who shall testify what they do know and what they have seen; who shall not kiss the Word of everlasting truth to give weight to their speculations about the worth of property, in order to place a body of the most honorable men in the

community beside Ananias and Sapphira, in keeping back part of the price of their land! With presumption, we must use the true word, which the dignity of a Senator, not of Venice but of free America, will not excuse, this Committee imply that it was a gracious act of condescension on their part to hear *this side of the evidence*, a wonderful exhibition of patience that they,* for several days, "quietly listened also to the very long arguments of the counsel from whom the objection proceeded." Are they not the movers in this affair; the disturbers of their own peace and quiet? And they even venture to charge the Corporation with regretting "that so little had been made of the opportunity afforded them in the City of New-York, *when the Committee made a written communication to the Vestry before they commenced taking testimony.*" The Vestry replied to this in a "*written communication.*" More than this they could not do with propriety, as all the other witnesses were called by a regular summons. More than this, we suppose, they never would have done, had it not been for the outrageous *ex parte* character of the testimony and report.

Well, this condescending and most patient Committee hear this evidence of faithful and true men—Bishops, Priests, and Laymen, of honorable renown in the Church of God. Nay, we are wrong in saying they *all* hear it! Notwithstanding their professions of Job-like patience, in listening to the side they did not want to hear, there is the usual variance here between the fact and the assertions of their Report. The Hon. A. J. Parker, the learned and able Counsel of Trinity Church, thus speaks to the Committee (Arguments, p. 38): "I regard it as a great misfortune to us, in this case, that some of our testimony was taken in the absence of Mr. Ramsey, and the greater part of it in the absence of Mr. Noxon." These gentlemen, however, may feel happy in being thus relieved from part of the responsibility of this partizan Report. Well, we may suppose the Chairman, who heard it all, and perhaps some friend slightly interested in this case, holding solemn council over the matter. We can imagine the learned Chair-

* Report, p. 3.

man *seeming*, as Judge Parker said those ought to *be* who assume the judicial character, "like a piece of blank paper"—when he beholds all this testimony of his chosen witnesses, and his beloved Report demolished by the collision of the new evidence! What shall be done? His Report, the locomotive, and the long train of evidence, are all a hopeless wreck, and the passengers, the witnesses, are so maimed and injured, that they can do him no more service! Fortunately there is at hand a veteran engineer who has driven, for many years, locomotives on the State roads, who has had many a collision, in which locomotive, cars, and passengers, have been smashed up, and who has always managed to take care of *number one*, and escape unhurt, and who, although he ran the train off the track on the last line, has lately been made first engineer on a new road, parts of which are very dangerous. The veteran answers the despairing gaze of the Senatorial engineer with a look of calm assurance. To the question, "What shall be done?" He answers, "Clear first all this rubbish off the track, and fire up another engine." "But we've got to drag that fresh train of evidence after us, and I'm afraid if I put head enough of steam on, it will blow us up!" "Oh, never fear, 'go ahead,' and I'll uncouple the cars which give us any trouble, and leave them behind!" "But then the company will miss the cars, and I will be called to account." "Never fear, they are so much crowded with business just now that they will only look at the locomotive, and never mind the cars."

That some such plan as this was hit upon by the Chairman and his advisers, a further examination will make evident. The last Report quietly drops all the evidence likely to give any trouble, or which is irreconcilable with the former Report and testimony. When troublesome, evidence must be referred to, it shapes and moulds this to fit, sometimes even by the alteration of language! It passes quietly by all the difficulties which would interfere with the desired conclusions; is silent about facts of which it dare not speak, and most loquacious in setting forth its favorite opinions and conclusions. All this we will prove by quotations from the two documents. With this understanding of its past history, we are now prepared to look at the question as it stands plain and clear before us.

Let us take two different views of this question. *First, as a matter of RIGHT, let us see in what shape this question should justly have come up before a legislative body.* This will prepare us for a second and more important consideration of *the matter of fact, viz. : the strange form in which this question has actually been presented before the New-York Senate.*

I. AS A MATTER OF RIGHT, *let us see in what shape this question should justly have come up before a legislative body.*

We suppose that it would require no very deep or profound knowledge of Blackstone to settle it as an axiom of common sense, that there should be no intermingling of the *legislative* and *judicial* functions. Legislators should never attempt to clothe themselves in ermine. The question regarding the rightful possessors of the property of Trinity Church, or any other property, is purely a legal one. We hold that it is a question belonging to the Courts, not to the Legislature. But even those who think that it may be forced upon the Legislature, cannot differ from us in the position that its merits are to be determined by the acts of the past, and not by the misdeeds of the present. In this view, we are happy to find that the learned Committee of the Senate fully and entirely agree with us. Among the many points of difference, and their name is legion, we are most happy to discover one of agreement! We trust the following declaration was not lost upon the Honorable Senate:

“The objection which is raised to the proposition to allow ‘all the inhabitants in communion,’ &c., to vote for vestrymen, for the reason that it may create tumult or confusion, is one of little weight, compared with a right vested under ancient grants and acts. It may become an unwieldy corporation; but in looking at the right of the beneficiaries, we can hardly be called upon to take into account the difficulties which may attend the annual elections.”—(*Second Report of Select Committee*, p. 8.)

We accept this from the Committee of the Senate, as a true view of the real question at issue. They here declare that consequences, however disastrous, are not to be considered, because they furnish an objection “*of little weight, compared*

with a right vested under ancient grants and acts." If, as they justly argue, mere *consequences* are not to be regarded, how can any weight be given to *antecedents* which do not touch these "ancient grants and acts?" By their own showing, the only question which could be entertained by the Senate, was whether *a repeal of the Law of 1814 was called for, because it unjustly affected "a right vested under ancient grants and acts."* By the showing of their own Committee, then, it is no mere presumption of private judgment. The proper course of the Senate, when this matter was presented, should have been to appoint a Committee of the most learned lawyers of their own body to investigate this great question of law, and then to give the result in the shape of a report upon these legal points. If such a Committee, sufficiently learned in the law, could not be gathered from their own legislative ranks, the law officers and Judges of the State were easy of access. We do not happen to know to what profession the members of the Select Committee belong, but the manner and result of their labors have not impressed us with any profound veneration for the depth of their legal attainments.

The Resolutions of Inquiry, adopted by the Senate, were the first steps from the direct course. This led to the second false step, the appointment of a Committee, with inquisitorial powers, to pry into matters not within the province of legislation, and which did not, as the Committee itself shows, really affect the question at issue. This was, indeed, a long stride from the straight path of just legislation over freemen, and it has led the Committee and Senate into the maze of a labyrinth, in quest of the truth which was plain and straight before them. If such important interests were not involved—if truth and justice and indefeasible right were not at stake, it would be almost amusing to follow the strange windings and turnings of their erratic course. There is a sort of fascination to the human mind in following the devious steps of error, as lights and shadows diversify its track, giving it the charm of variety; while there is less delight in the straight and even path of truth on which the broad daylight only shines. We admire the justice, and the high-souled magnanimity of this Select Committee

of our Senate, when we hear them nobly resolving to uphold the *right*, fearless of consequences, unterrified by calamities which may ensue, and which the Bishops of New-York and other witnesses have proved will be great. No "tumult or confusion" (p. 8 of Report) of Church or State--no "difficulties," however appalling, shall affright their souls in the steadfast purpose of maintaining "a right vested under ancient grants and acts." Visions of old patriots and Senators arise before us, and we almost hear, in this triple voice of the Committee, the tones of Solon, Lycurgus, and Brutus. But the vision fades, as mortal visions too often do, when we further hear these same voices, in which the noble resolve had been expressed, not to shrink from "right," because of the evil which should ensue, *resting the whole strength of their case on proofs, that because the present holders of this right, "vested under ancient grants and acts," had not wisely used their powers, therefore, it should be conveyed to other hands.* Thus the heroic souls, which were unterrified by future consequences, are overwhelmed by past consequences. Truly, "circumstances alter cases!"

After themselves laying down this just principle, from which there is no escape, that this was a question of *right*, determined alone by *ancient grants and acts*, the Select Committee rest the great burden of their proof upon what? Upon Law--upon the tenor, and words, and provisions of "ancient grants and acts?" Let the evidence of their own selected witnesses, and their own Reports, answer. These documents are accessible to every reader, and they will settle the truth or falsity of this Review. We challenge any reader of these to disprove the correctness of the assertion, that, according to these documents, the merits of the question presented for the decision of the Senate, by their Committee, are made to rest wholly upon the manner in which this trust has been administered by those who have held it since 1814. The "right vested" in the present Corporation of Trinity Church, is to be disturbed by new legislation, not because of "ancient grants and acts," but because of the errors and sins of the Vestry. They have not built free Churches; they have not endowed charities; they have not given lots; they have given too much to high church-

men, too little to the "low;" they have undervalued the amount of their property, &c., &c., therefore they may no longer be stewards!

Between two and three pages of the first Report out of the twenty-seven, are alone devoted to the discussion of the question as one of law and "*right vested under ancient grants and acts,*" and this consists mainly of the reiterations of the opinions and views presented by the single witness who testified on this point—the Hon. Luther Bradish. We suppose it was rather hard to get lawyers to give opinions, under oath, as to disputed points of law. Yet, prefixed to his extended views of this question, appear the words, "*Luther Bradish, sworn!*" Another eminent lawyer among the witnesses, Mr. Cambreleng, attempts no such solemn exposition. In the second Report of the Committee, parts of *five* pages out of the *twenty-one* are given to the discussion of the law points, and all the rest devoted to a discussion of the maladministration of the Vestry, and a vindication of the assertions of the first Report on this subject! This appears the more remarkable, as two learned lawyers, thoroughly acquainted with the subject, Mr. Gouverneur M. Ogden, and Hon. A. J. Parker, argued the case before the Committee, on "the questions of fact" and "the questions of law." Both these arguments are distinguished by signal ability, and by the clearness and force with which they place the questions before the Committee. They are brief, terse, and pointed, without one needless word. The Committee hardly deign to notice these, except to say (p. 3) that they were "very long," and they "quietly listened" to them! Perhaps, as the learned counsel did not *swear* to their own arguments and opinions, they were so lightly regarded. They however show, in this treatment, their disregard of the evidence presented by the Vestry. Indeed, this Committee entertain quite an original view of the office of a Report of a Committee. It has been usually understood to be a digested account of the facts and arguments presented before them. This Select Committee appear to consider it as a statement of their own views and opinions, quite independent of the evidence, and the arguments addressed to them! We can

only thus understand, not only their omissions and contradictions of important evidence, as we shall show hereafter, but also their entire silence as to the unanswerable, as we think, arguments on the "questions of law," addressed to them by the learned and distinguished Counsel of Trinity Church.

We are compelled to think, however, unwillingly, that this Committee were influenced by a partial desire to make out a case against Trinity; that they lost sight of their duty as Senators of this great State, in looking after the interests of those for whom they appear as *advocates*, when their Report magnifies and dwells upon every point of adverse evidence, though not bearing upon the question at issue, and passes over, "in solemn silence," the great points of the case, as presented by Judge Parker, in his arguments on "the questions of law." A very brief summary of these unnoticed points will establish this conviction.

We can discover no special reference to the following points of law, made by the Counsel of Trinity Church.

1. That nearly all this evidence, on both sides, is entirely foreign to the main object—the repeal of the law of 1814.

2. That the original charter of 1697 provided that the Wardens and Vestrymen should be elected 'by the majority of votes of the inhabitants of *the said parish*,' in communion of our Protestant Church of England, within our City of New-York.

3. By the act of 1784, in addition to communicants, those now allowed to vote, 'who shall either hold, occupy, or enjoy a pew or seat *in the said church*, and shall regularly pay to the support of *said church*,' &c. The plea that the words, *in said church*, apply to all communicants and pew-holders in the Episcopal Church of New-York, is disproved by the title of the Act, which is called "An Act for making alterations in the charter of the Corporation of *Trinity Church*," &c. And these words are further explained in the second section, where power is given to the Wardens and Vestrymen to call and induct a Rector to *the said church*, so often as there shall be any vacancy therein.

4. That from 1784 to 1812, a period of twenty-eight years,

though from 1793 there were other churches, no one out of the parish voted or claimed a right to vote. That this claim was made, but not allowed, by two or three persons of another parish, in a contested election. This claim led to the application, on the part of the Vestry, for the law of 1814, entitled, 'An Act to alter the name of the Corporation of Trinity Church in New-York, and for other purposes.'"

In this connection, Judge Parker quotes from a letter addressed, on the 12th April, 1812, by the Rector, Wardens and Vestry of St. Marks:—

We have learned, with regret, that some of our Episcopal brethren assert the claim of a general right, in all the Episcopal Churches in this island, to vote at your elections for Churchwardens and Vestrymen. Whatever color may be given to this claim by any ambiguous words to be found in your charter, we sincerely take pleasure in declaring, that the congregation of St. Mark's, which we represent, have no desire to assert the claim, and that we will, at any time hereafter, cheerfully unite with your respectable body, in an application to the Legislature, if the measure shall be thought expedient, to explain the charter, and confine the right of voting to the congregations of the churches under your immediate government.

5. It is an erroneous impression, that the property of Trinity Church is held in trust for the benefit of others. A careful examination of the charter will show that the property was given to the corporation alone, as its own absolute property. That this erroneous impression on this subject has grown out of the original name given to the corporation. That the grant made to "The Rector and Inhabitants of the City of New-York, in communion of our Protestant Church, &c., is a grant to the Corporation, in conformity with old titles. That exactly similar titles exist in the cases of St. Peter's Church, Albany; of the Church of Fishkill; Grace Church, Jamaica, Long Island, and in the first Church at Poughkeepsie."

6. The original charter, giving power to the church officers "to choose, nominate, and appoint so many officers of our liege people, as they should think fit, and shall be willing to accept the same, to be members of the said Church and Corporation."

7. That a person can be a parishioner in but one parish.

8. That a change in chartered rights cannot be made by the Legislature alone, but requires also *the consent of the Corporation*. This point is alluded to by the Committee. In reply to it, they say that as they have come to a conclusion to introduce a bill to *amend* the act, and not for its repeal—this question does not properly arise.”

A reference to the amendment reported, will show that the “old bottles” will hardly hold this “new wine.”

9. The lapse of forty-three years is conclusive against any supposed individual claim of a corporator. It is a lapse of time twice that required to bar a claim to real property; seven times that which would bar an action on contract, &c.

Surely these, and many others like them, were points which might well have claimed the special notice of this Committee.

Their fair discussion would have suited better the dignity and object of this Report to the Senate than its present composition, from the vague, one-sided, and hear-say evidence and gossip of uninformed and prejudiced witnesses. All such testimony is powerless against the convictions, and the evidence, and the arguments, which must have influenced the Legislature of 1814. It is no disparagement to the wisdom of the present Senate and Assembly to say, that the action of such a body of men, of whom the Empire State may well be proud, carries with it a weight of authority deserving their highest veneration. No urgent calls of interested parties, no special pleadings of partizan committees, should drive them to cast reproach upon the wisdom of the past, of noble patriots whose honored names have even been defamed in this unholy cause. Sooner far should they burst the chains of party bondage, than rudely break the golden links by which memory connects them with the honored dead—the illustrious legislators of 1814. We cannot better refer to them than in the eloquent language of Judge Parker, in his argument before the Select Committee :

At that time, the office of Attorney-General of this State was filled by that eminent jurist and good man, Abraham Van Vechten, and the matter was referred to him by the Assembly for his opinion. He reported as follows: “That he has examined a printed copy of the charter granted in the year 1697 to the rector and inhabitants of the city of New-York, as then established by law, and the acts altering the said charter, together

with the bill referred to in the resolution entitled, 'An Act to alter the name of the Corporation of Trinity Church, in the City of New-York, and for other purposes,' and he is of opinion that the purpose of the said bill will not defeat or vary any existing vested rights under the said charter and acts."

Gentlemen—The Legislature of 1813 that passed that act, was one of the ablest that ever assembled within this capitol. Among its members were Daniel Cady, Elisha Williams, J. Rutsen Van Rensselaer, Josiah Ogden Hoffman, Nathan Sanford, Morgan Lewis, Erastus Root, and Martin Van Buren, the most able and distinguished men of the day—men not likely to fall into the error of invading, by their legislation, the vested rights of any citizen; and there were several others in that Legislature whom I caught, perhaps, to have named in that list. Six of those distinguished men, whose portraits now grace these walls, and who are looking down this day upon our doings, were concerned in the passage of the act of 1814, either as members of the Legislature or of the Council of Revision. The bill did not pass the Legislature in silence; it was discussed and examined. When it came before the Council of Revision, objections in writing were made by Chancellor Lansing, which, on further examination, were abandoned, and finally voted against by their author. Those were honest days, Mr. Chairman, when a public officer, who had been misled by an erroneous impression, might well be expected to acknowledge his error and correct it. I hope, sir, all that honesty has not yet, in the expressive language of the Rev. Jesse Pound, "died out." For this honest and frank correction of an opinion by Chancellor Lansing, his memory has been recently defamed by an editor of a newspaper in the City of New-York, who has disgraced himself before the public, by imputing to the Chancellor that this change of opinion was obtained by corrupt means. Shame upon such licentiousness of the press; shame upon the man who will thus assail the memory of the honored dead—and the greater be the shame if the slanderer be the editor of a newspaper called "religious." A cause must be desperate that requires a resort to such disreputable means.

Having thus shown, in accordance with the declaration of their own Committee, how this great question of *right* should have been presented before the Senate of New-York, and how it was not so presented by their Select Committee, it remains for us to show :

II. AS A MATTER OF FACT, *in what manner and form it was presented.*

We presume most of our readers are familiar with the judicious Hooker's noble eulogy of Law, wherein he says, "her voice is the harmony of the world," and he represents "all with uniform consent, admiring her as the mother of their peace and joy." All who are familiar with the places where National and State Laws are born, must own that, like other infants, their first entrance into this terrestrial sphere does not add much to "the harmony of the world;" and whatever they may be in

their maternal state, in their nascent condition, they are not the promoters of our peace and joy. The halls of legislation, the cradles of law, are not the chosen abodes of harmony and peace. Disturbing elements within and without are ever at work, in unsettling old laws, in originating new ones. Private interests, party ends, popular passions and prejudices, are busy in the work of legislation. Men of clearest minds, of strongest principles, of most honest aims, are not unaffected by these influences. It is hard to escape the malaria of the atmosphere we breathe. We might well suppose that when an old law was to be changed, or a new one made, the advocates of the measure had only to produce their strong reasons, to allay doubts, to answer objections, and when conviction was brought home to the minds of the Legislators, the act would follow.

Whatever it may be in other cases, this is not the manner in which the case of Trinity Church has been presented to the New-York Senate. It has not, we boldly assert, been presented as a question of *right*, but as a question of *prejudice*, resting almost wholly, as the learned counsel for Trinity declares, *on evidence entirely foreign to the main object of the inquiry*. What has been the design of this cloud of testimony, which has risen around the real question before the Legislature, unless it has been to hide the clear sunlight of truth? The December fog, which gathered round the Committee in New-York, and whose density seemed to increase every day, it was expected would roll after them up the Hudson, and settle around the Capitol at Albany. In its vapory folds, the real question has been obscured, but the sunlight can penetrate the thickest mists of earth.

We have shown that the Select Committee, either straying in this fog which others had raised around them, or wilfully shutting their eyes, had lost sight of the real question before them. We must now show that from *the witnesses* summoned by them, from *the character of the evidence*, and from *the Reports*, the movers of this matter in the Senate, and the Committee, and those who have helped their investigations, have proved themselves only anxious to excite prejudices and uphold interests hostile to Trinity Church. We only ask a fair hearing,

with the records accessible by which we may be condemned if our statements or conclusions are untrue.

1. *The witnesses summoned by the Committee.*

Among these we cheerfully admit, are men of the highest respectability and character, upon whose integrity we would be the last to throw the faintest shadow of suspicion. But no man, however honest, is above the influence of prejudice. As mists cloud the brightest scenes of nature, so prejudice may obscure the clearest minds. It may be the real conviction of these that the property of Trinity Church should be possessed by all the churches in New-York, especially the one to which they belong; they may dislike the policy of the Vestry, or abhor the church principles which prevail among them; they may think this property should be distributed to other objects and in a different method; they may desire to build what they call *free churches*, or endow favorite charities; they may be hostile to the Episcopal Church or to all churches, and have violent feelings against all ecclesiastical endowments, and desire the secularization of this property, and thus have strong prejudices on this subject. They have full right to enjoy their feelings, and their prejudices, and their private convictions, but these do not specially qualify them to be fair witnesses in this important case. Yet this seems to be the rule by which the Committee of the Senate was guided in their choice of witnesses! We might have thought they would have recognized the fact that every disputed question has *two sides*, but the great qualification of their chosen witnesses seemed to be *that they should have something to say against Trinity!* Accordingly, all those who were forward in the movements of 1846 and '47 appear in the list of witnesses. On this head nothing better can be said than the words of Mr. Ogden, in his clear and forcible presentment of the questions of fact before the Committee, (p. 34.)

And let me in this connection call the attention of the Committee to the witnesses that are supposed to substantiate the charges against the Vestry. Three of them are assistant ministers of Trinity Church, who have come to Albany to explain their testimony, and have vindicated the Church; two are vestrymen, who spoke of matters since explained; eleven others testified, merely, as to the values of lots; Clayton, as to the lettings of pews

in Trinity Chapel; Wiley and Webb, as to immaterial matters; and Dr. Muhlenburg, whose motives no man would impeach, testified, as he himself says, on information merely, so far as concerns any facts in dispute, and certainly under an entire misapprehension of the ability of Trinity Church. Leaving out those I have just named, all the other witnesses are of two classes, and of two classes only. They are clergymen who have applied on behalf of their churches to Trinity Church for aid, and have been unsuccessful in their applications; or they are parties to this controversy, whom it suits now to remain concealed, but who were engaged in the same contest in 1846-47, as appears in evidence, and who, it may be seen by the public prints, are at this moment the most active in the same attempt which was made in those years, with the exception of Dr. Tyng, who, not then in New-York, was not on the former occasions a party, but is now among the most violent. They sought, under cover of the clamor they intended to raise, and the popular prejudice they hoped to excite, to procure on the instant the repeal of the Act of 1814. Actuated, then, by the strongest interest, and, if there is any force in my comments upon the course of these proceedings, attached with all the blame and odium that ought to fall upon the authors of the present attack, they came before the Committee to testify to suspicions, rumors, and hearsay, attributing unworthy motives to gentlemen, if not so high in position, at least as respectable as themselves. That they are gentlemen of respectability and character, I admit, but their positions cannot justify disreputable conduct, though prompted by party prejudice, and narrow, distorted views.

As a striking illustration of the *animus* and strong feelings governing these witnesses, we quote from the letter of the Rev. Dr. Taylor of Grace Church, excusing his non-appearance at Albany, at the summons of the Committee. After expressing "the most perfect respect for the Committee," he adds:

"While I thus freely and sincerely express my respect for your Committee, and my regret at not being permitted to aid them as I best could, in their important labors, yet you must permit me to say, Mr. Chairman, that none of this respect, and nothing of this regret is intended by me to extend to any hired agents of Trinity, at whose instance, as I take it, the summons now before me was issued.

During the meetings of your Committee in this city, every opportunity was afforded to the Corporation of Trinity Church, either to summon witnesses or to propose cross-interrogatories to every witness before your Committee; and if in their superciliousness or reckless negligence they did not avail themselves of their privilege, the consequences must rest upon themselves. The vexatious course they are now pursuing, of attempting to drag gentlemen from their business and their homes at this inclement season of the year, from whom they well know that they cannot obtain one word of evidence in any way useful to Trinity Church, has no other earthly object than to *gain time*, and thus to *defeat, by postponing* one of the most salutary measures of reform that has ever claimed the attention of the Legislature of the State."

The Reverend writer, it will be seen, expresses his "regret at not being permitted to *aid*" the Committee "in their im-

portant labors." The direction of his testimony shows to what these "labors" tend. The "aid" of the witness, "the labors" of the Committee, harmonize in loving concord, only disturbed by thoughts of "the hired agents of Trinity," wickedly "attempting to drag *gentlemen* from their business and their homes," with the vain purpose of getting *the whole* truth out of them, which the Vestry, in their "reckless negligence," thought they would give of themselves. One who desired to "aid" the Committee's pious "labors," feels justly indignant at the very thought that any of their chosen witnesses should be exposed, "at this inclement season of the year," to the rigors of a cross-examination. We wonder it did not strike one of the Doctor's acuteness, that if "gentlemen" had minded "their business," and not been "busy-bodies in other men's matters," there would have been no occasion to drag them from their homes.

Grace Church and others may, in the estimation of some, monopolize all the "gentlemen" of the city, but among those who are stigmatized as "the hired agents of Trinity"—we hope their gentility is better than their pay—are some who stand in this community on as high a level even as the Rector of Grace Church. In the comparison some might be reminded of the familiar dialogue, "Are you the man wat's going to ride?" "Well, I'm the gen'leman wot's going to drive you." So much for the chosen witnesses of this Select Committee.

2. We have now to speak of *the character of the evidence* sought by the Committee. Of course, from what has been said of the chosen witnesses, it was for the most part against Trinity. The sole witness who testified on the question of *right*, which the Committee has declared to be the only question to be regarded, was the Hon. Luther Bradish. His testimony is thus characterized by Mr. Ogden in his argument :

"Controverted positions, disproved over and over again, passed upon after careful arguments by counsel far abler than Mr. Bradish, before the Committee of the House of Assembly in 1847, and overruled by their decision then, are expected to derive new efficacy supported by an oath, when presented at this day as the ground for the decision of the Senate.

"Again, to point out another instance showing the entire unreliability of the testimony of Mr. Bradish, I call the attention of the Committee to the fact that the act of 1814 had passed both houses on the 2d of April, 1813, [see p. 95 of Mr. Bradish's testimony in the first Report of the Com-

mittee,] and the pamphlet of Col. Troup is dated on the 6th of September, 1813, more than six months after the act had passed both houses. Yet Mr. Bradish says, [p. 101 of first Report of this Committee,] that as an inducement to the passage of the Act of 1814, it was urged "as morally certain, that the future increase of the population of the city would strongly recommend to the Corporation of Trinity Church, the policy of dividing its Corporators, and setting them off in separate Churches, with suitable endowments, and to enable the Vestry to do this in a mode free from all legal doubts, was an object of the bill. *The bill was drawn and passed accordingly.*" Yet the truth is, that the bill was drawn, and passed both houses six months before Col. Troup said anything respecting it in the paragraph alluded to, and from which Mr. Bradish derives his authority."

All the other evidence, almost without exception, may be characterized as having nothing to do with the question, seldom or never positive, claiming little direct acquaintance with the facts of which it testifies, speaking on the information of others who themselves heard others say so and so, setting forth opinions and private judgments, and then swearing to their correctness. We unhesitatingly pronounce the greater portion of the evidence taken before the Committee in New-York as the most vague and unsatisfactory body of testimony ever presented before a judicial tribunal. Much of it is the merest gossip and scandal, such as they say a certain sex at a certain age indulge in around the tea-table! Not one of these witnesses was subjected to a cross-examination. There is nothing strong or positive about this testimony, except the oaths, which would have been listened to in a court of law. Yet upon this the Committee base their first Report, bringing the gravest charges against the Vestry, supported by the evidence of those who own that they know little or nothing of the subject!

We have only space for a few illustrations as proofs of the above assertions. The Rev. Jesse Pound swears that (p. 83) "he was considerably acquainted with the proceedings of Trinity Church in managing their fund. I do not consider the trust has been administered in such a way as best to promote the object for which it was given." Or, as we may *expound* his meaning, the Vestry did not advance the glory of God and *the good of man*, in the person of the Rev. witness, by paying off the debts and supporting him in a church which has proved itself to be in an unfavorable situation. Trinity was surely not answerable for the falling off of the congregation.

The Rev. Dr. Tyng swears (p. 86) concerning the statement in the report of Trinity Church relative to St. George's Church—"To the best of my knowledge and belief it is not correct." That the Doctor's "best knowledge" on this subject is none of the best, a poor foundation for "belief" to rest on, is shown by the Rev. Dr. Berrian's positive testimony upon certain knowledge. (See testimony, p. 37.)

The Rev. Dr. Taylor (p. 104) heard "a very worthy minister" say that his warden had told him that he, the warden, had applied to the Comptroller of Trinity Church for aid in their pecuniary embarrassment. The reply was, "We can give you no help, for your minister voted against us at the last Convention." This case would be very strong, and its tragic consequence very lamentable, if the power rested in the Comptroller to give such a reply. Such applications can only be decided by the *voice of a majority in Vestry meeting*. As a conclusive proof of the worth of such kind of evidence, we learn that W. H. Harison, Esq., the comptroller at that time, has denied publicly, over his signature, that such an occurrence ever took place.

Mr. John D. Wolfe (p. 105), formerly a Vestryman, testifies—"Have never seen a list of the corporators; the Vestrymen are not allowed to see it, that I know of." The Rector (p. 35) testifies positively, as a fact *he knows of*, that this list is accessible to the Vestrymen at any time, and open to the inspection of the corporators at the annual elections.

Mr. Stephen Cambreleng, (p. 111), with his usual candor, in reply to the question—"Are you intimately acquainted with the affairs of Trinity Church?" answers—"I cannot say that I am." The same degree of candor would have ensured a similar answer from every adverse witness.

The Rev. R. S. Howland, and the Rev. J. G. Geer (p. 118), testify to the fact, that the generous offer of the former was not responded to by the Vestry of Trinity Church. But the evidence of these excellent and devoted clergymen does not reach the point, as they had no knowledge of, or, at least, do not declare, the reasons which influenced the Vestry in not acceding to the request alluded to. Their evidence, moreover, so far as it goes, helps to disprove another charge—that of partiality

to those called "high churchmen." We have never heard the worthy clergymen classed among the so-called, "low."

We might cite further instances, but we must conclude with this which suggests the great radical defect, impairing, if not destroying, the force of almost the whole of the testimony adverse to the Corporation. The Rev. Dr. Taylor clearly points out this defect (p. 104), when he declares his unfavorable opinion is formed "from my *outward* observation of their acts." The acts of the Corporation, in denying requests, and in the application of their means, may appear in a very unfavorable light to outward observation, when this may give no just view of their character. Reason, judgment, common sense, which should guide a body of rational men, whether they be a Vestry or a Senate, are subjects of inward observation. The doors of the Senate are open, and their debates, showing the reason of their acts, are heard ; so the public can, and *will form* correct opinions of their doings. Not so with a Vestry. And we hold, that no evidence, from mere "outward observation," like most of that on which the first Report was based, can fulfil the solemn character of sworn testimony—*the truth, the whole truth, and nothing but the truth !*

Evidence against the acts of a body of men, who sit with closed doors, framed from mere observation, can never convict them of wrong. It does not touch the reasons which induced the outward acts, and by which alone the right or wrong of these acts can be determined. Such, we think, from a careful examination, is the prevailing *character of the evidence* given by the chosen witnesses of the Select Committee.

As a striking illustration of the end for which this evidence was taken, and the manner in which it was drawn out, we are indebted to Gil Blas. There are too many points of resemblance. Our readers may remember that the inventive Ambrose de Lamela, with a view to the fleecing of Samuel Simon, a wealthy Jew, but who had become a convert to the Church, assumed the character of an officer of the Holy Inquisition, Don Raphael that of his Secretary, and Gil Blas that of an Alguazil. The preliminary inquiry was first made of a landlord in the neighborhood, who had some acquaintance with Simon.

"Mr. Secretary, with his paper already in his hand, and pen behind his ear, took his seat, pompously, and made ready to take down the landlord's deposition, who promised solemnly, on his part, not to suppress one tittle of the real fact. "So far so good," said the worshipful commissioner. "We have only to proceed in our examination. You will only just answer my questions, but do not interlard your replies with any comments of your own. Do you often see Samuel Simon at church?" "I never thought of looking for him," said the drawer of corks, "but I do not know that I ever saw him there in my life." "Very good," cried the Inquisitor. "Write down that the defendant never goes to church." "I do not say so, your worship," answered the landlord, "I only say that I never happened to see him there. We may have been at church together, and yet not have come across each other." "My good friend," replied Lamela "you forget that you are deposing to facts, and not arguing. Remember what I told you, contempt of court is a heinous offence; you are to give a sound and discreet evidence, every iota of what makes against him, and not a word in his favor, if you knew volumes." "If that is your practice, O upright and impartial Judge," resumed our host, "my testimony will scarcely be worth the trouble of taking. I know nothing about the tradesman you are inquiring after, and therefore can tell neither good nor harm of him, but if you wish to examine into his private life, I will run and call Gaspard, his apprentice, whom you may question as much as you please. The lad comes and takes his glass here sometimes with his friends. Bless us, what a tongue! He will rip up all the minutest actions of his master's life, and find employment for your Secretary till his wrist aches—take my word for it." "I like your open dealing," said Ambrose, with a nod of approbation. "To point out a man so capable of speaking to the bad morals of Simon, is an instance of Christian charity, as well as of religious zeal. I shall report you very favorably to the Inquisition."

So much for *the character* of the evidence before the Committee of the Senate.

3. THE REPORTS.—We now come to the last, but not the least, demonstration of the prejudice and partisan feeling influencing the prominent actors, in this remarkable attempt to legislate property out of the hands of its rightful possessors—the two Reports of the Select Committee. The first was, for the most part, in accordance with the evidence, a fitting super-

structure for such a foundation, and on that it must stand or fall. Built, as we have shown, on the sand of prejudice or partial and imperfect knowledge, and not upon the strong foundation of truth, it could not withstand the force of the "Testimony introduced on the part of the Vestry." As this overthrew all its positions, and contradicted all its statements, by positive assertions of truth; as its infirm Law could not stand up against the strong legal arguments of able counsel, and its false testimony was overwhelmed by the evidence of well-informed witnesses, a new effort was necessary. Then came the second Report, louder than the first, as if the Committee had only used the new evidence for wadding, and rammed it down hard to produce this stunning effect!

As much has been claimed for the evidence of the witnesses against Trinity, because of their high respectability and character, a word may surely be said in behalf of those who have given testimony in her behalf. The Clergy and Laymen who have appeared for her, will hardly suffer by a comparison with those arrayed against her. The greater knowledge, the more certain information which their position secured, will more than counterbalance any alleged partiality on the part of men, whose honor and integrity are above the reach of suspicion.

The "testimony introduced on the part of the Vestry," to counteract the *ex parte* evidence gathered by the Committee, covers some hundred and thirty pages of printed matter. The arguments of the able counsel of Trinity, directed against the assumptions of the *ex parte* Report of the Committee, occupy sixty-six more. The second Report of the Committee, which we should rather call a Reply to the evidence of the Vestry and the arguments of their counsel, is contained in twenty-one pages. The witnesses and the learned counsel of Trinity were made to feel that they were meeting an adverse body, when they came before the Committee, as its Honorable Chairman often spoke of "*our side*," which meant not the side of *truth*, but the side opposite to Trinity. The tenor of the cross-examinations by the Committee made them appear in the light of opposing counsel! We may well ask whether this was a

proper appreciation of the responsible office of those who held the place of Judges? The Hon. Mr. Parker begins his argument with these words, which were not contradicted: "I address the Committee as a judicial body." Their Report to the Senate should therefore have had the impartial character of a judicial charge. It sinks, by an unworthy degradation, into the special plea of an attorney who has to contend against the evidence! The positive testimony of the witnesses on the part of the Vestry, weighs down the light, vague, and negative evidence of the opposing witnesses; so the Committee threw themselves along with their Report, into the scales, to "make the balance true!"

If any one, with an unprejudiced mind, will carefully read the testimony and arguments of the witnesses and counsel, introduced by the Vestry, and then compare this with the Report, their convictions will be strong on this point. Our space will only permit us to give a few samples; enough, however, to show the quality of the whole compound.

The following sweeping statement, which almost makes one *whistle*, will fitly introduce our readers to this Report:—

"It will appear, from a careful examination of the mass of evidence presented by Trinity Church, that every point of importance set forth in the previous Report of your Committee, is here abundantly corroborated."—*Report*, p. 12.

We have tried hard to find some proper epithet, suited at once to the respect we owe to a Senatorial Committee and to *the truth*, to characterize this statement. We dare not use the mildest *euphemism*, so we conclude with the canny old Scot, that "it's mair discreet just to whistle!" If our readers will take the pains to compare this statement with the testimony of the Rector, Dr. Haight, General Dix, and others, they may find it hard to imitate our discretion.

In immediate connection with the above, is the following repetition of a disproved charge:—

"Additional evidence proves the difficulty in obtaining a copy of the list of corporators, only one copy appearing to have been ever given, and that not until after a formal vote of the Vestry. The list is stated to be inaccurate also, Mr. Verplanck believing that "many" names are omitted from the list of persons entitled to be entered."

In what manner this "additional evidence proves the difficulty," will appear by the following, from that of Rev. Dr. Berrian (p. 35) :

"Q. Is the list of the corporators of Trinity Church kept in the joint charge of the Comptroller and Rector? A. There seems to have been some misapprehension on this subject. The list is kept in the vestry office, and is under the sole custody of the Comptroller. My only agency in regard to this list is, to make an annual statement on the meeting of the Vestry, immediately preceding the election of wardens and vestrymen at Easter; of the names of the new communicants, which have been added in the interval, and the decrease of the number in the same period, by death, or removal, in order to render the list more accurate and complete. This is done regularly every year, and how one vestryman, if accustomed to be in his place, and giving any proper attention to the business before him, could have been ignorant of the purpose for which it was done; or another, having never seen this list, a privilege which he had a right to demand, but which he never appears to have claimed, is to me a matter of surprise.

"Q. State whether the book containing this list is usually taken to the place where the election of wardens and vestrymen is held? A. I know that it is frequently, if not uniformly, and I believe that it is open to the inspection of any persons present, who may have the curiosity to examine it."

The following "additional" item is from the testimony of G. C. Verplanck, Esq. (p. 96). :

"Q. State whether there is any order of the Vestry prohibiting free access to the list of corporators? A. There is no order to that effect; the superior officers have never refused to my knowledge any one. I cannot say what the clerks may have done. The books lie in places open all day, at least, and the one containing the pew-holder corporators is in the outer office, where pew-rents are collected, and frequently examined by any one I think who has the curiosity. The book containing the list of communicant corporators is kept in an inner office on an open desk; I never knew the examination of it refused."

We find the following declaration of Senatorial reporting on this same page 12 :

"No contradiction is offered to the statement in your Committee's Report as to the singular pew-leases first given at Trinity

Chapel. The explanation is, in substance, that it was a measure of over prudence, adopted in order to prevent the intrusion of pew-holders who "had no sympathy" with the Vestry. The measure was condemned at the time by some of the Vestry themselves, and is defended now by none."

These are Mr. Verplanck's words, (p. 98):—

"The motive of those, however, who carried it through, was that of the precautionary prudence against the intrusion of a body of pew-holders who had no sympathies with us or any other church. It was recommended by a committee and approved by a majority of the Vestry. It was repealed before it could have any practical effect."

No reference is here made to "sympathy with the Vestry," but to those whose sympathies were of a secular rather than an ecclesiastical tendency! No notice is taken of the important fact that the effect of the erection of Trinity Chapel was to increase the Church accommodations for the poor, down town. This fact is thus stated by Dr. Haight, p. 7:—

"The arrangements in regard to the pews at Trinity Chapel, to which I have referred, were these: The Vestry offered to each party holding a pew in either of their three down-town churches, who might be desirous of obtaining a pew in Trinity Chapel, to credit him with the amount of the rent of his pew down town on condition that, while he occupies the pew in Trinity Chapel, the Vestry should be entitled to the use of the pew down town. The pews which thus come into the possession of the Vestry have been thrown open by them for general use, without charge. As the number of pews of this class is quite large, as I have before said, Trinity and St. Paul's have become, in a large measure, free churches, and St. John's measurably so, and these churches are of such a character, architecturally and otherwise, as to secure the attendance of the poor to a much greater extent than has been found practicable in humbler edifices."

We find the following remarkable statement on page 9:—

"In the Vestry itself, the supposed monopoly of knowledge and power by the Standing Committee is declared not to exist. The Rector testifies that the reports made by that Committee are overruled by the Vestry, 'scores of times;' or as Mr. Verplanck more quietly expresses it, this reversal takes place sometimes and in unimportant matters."

The word "unimportant," which appeared in the Report, as printed by the Committee, is said to be a clerical mistake, but even this correction does not alter the tenor or drift of the sentence, or make it in accordance with Mr. Verplanck's testimony, viz. :

"Q. What do you say as to the alleged control of the Standing Committee? A. On some subjects, it is necessarily great—as to the valuation of property, and the terms on which property should be sold—they being familiar from long and daily experience with the value of our property in detail. On other points, such as allowances or gifts to churches, the Vestry form their own judgment, and frequently refer matters back to them for re-consideration ; *sometimes, and in important matters*, rejecting their Report, and making or refusing grants, in opposition to their recommendation. A case in point has just been referred to in this examination. It is that of the Church known as St. John the Baptist, a donation to which the Standing Committee had reported against, and which, after full consideration and debate, was granted, nearly to the amount asked."

The Report, after alluding in a very disingenuous style (p. 10) to the very strong declarations of Gen. Dix, the Rector, and various other witnesses, in relation to the influence of "party divisions" in affecting the appropriations of the Vestry, thus concludes in direct opposition to the evidence (p. 11) : "Among all the stipends now and of late years granted, the only one that is stated in the evidence, to be given to a 'low' Church clergyman, amounts to \$300 a year."

Now, Mr. Verplanck, against whose evidence this Committee seem to have some special spite, had merely referred to the following, as *one* among the appropriations to institutions of charity (p. 95) :

"Another stipend is a charity rather than a church donation, to a minister, the Rev. Mr. Cook, the German missionary at Ward's Island and in the city among German emigrants ; I think the allowance is \$300. I suppose I may add, as there has been an allusion to it in a previous question, that he is a 'low' Churchman ; and I never have known of any objection being made to the motion I make every year for the appropriation."

The Committee, in saying that this was the only "stipend" now and of late years given to a "low" Churchman, had forgotten the following testimony of Dr. Haight :

"In looking over the list of parishes, whose churches have been mortgaged to Trinity Church, I find eight, the clergy and lay delegates of which, for a series of years, on all leading questions, spoke and voted differently from the Rector and lay delegates of Trinity. Two of these are mortgaged for \$25,000, two for \$20,000, one for \$5,000, the other three for smaller sums. So, also, in regard to the churches which have received grants of land and money, or annual stipends. I find nearly thirty which have taken the same independent course in Convention, without regard to the course of Trinity. My opinion of the clergy and laity of the Diocese of New-York is such, that I do not think it would be practicable for any Corporation to buy their opinions or their votes. Of the churches last referred to, six received gifts of money and land, and twelve received gifts of money alone, two received gifts of land and a stipend, three received gifts of land alone, six received gifts of stipend alone. My knowledge of the votes of the lay delegates and clergy of the several parishes, is derived from the fact that, for a series of years it became my duty at every Convention to call the ayes and noes on very many questions :

And then in their remarks upon this proportion in the donations, they seem to regard the Diocese of New-York as equally divided between the "the high" and "the low," and that Trinity only doles out a small measure of her bounty among the *lower half*. Whereas the proportion of her gifts bears a very fair ratio to the number of this particular class in the Diocese.

The Report states (p. 14,) that they do not understand the Church to deny the gross valuation of their property, at \$6,487,050. The testimony leaves the first statement made by the Vestry unchanged !

The Report declares, (p. 17) "no direct attempt is made to disown or disclaim the representations urged by Col. Troup, in order to obtain the Law of 1814." We have already quoted the strong disclaimer of Mr. Ogden, and now add the following from Mr. J. R. Livingston's testimony, (p. 129.)

"Q. Is it true, as stated in the Report of the Committee, foot of page 16, that Colonel Troup's pamphlet was an inducement to the Legislature to pass the Act of 1814? A. It cannot be true, from the fact that the act was passed on the 2d of April, 1813, and the pamphlet bears date the 6th of September following.

The Report says (p. 18), "Nor does there appear to be any manner in which responsibility can be secured ecclesiastically, any more than civilly." Here is Bishop Potter's testimony, (p. 23).

"Q. Is not the administration of this fund entirely and absolutely separate from all the religious and ecclesiastical care of the Church, as a religious society? A. I think not.

"Q. Wherein does she exercise any control? A. The immediate disposal of this fund is ordered in the presence of and by the Rector, Wardens and Vestrymen, of the parish. They are both immediately responsible to me as the bishop of the diocese, and are amenable to the Church of this diocese assembled in Convention. I do not mean, however, to be understood that I supervise the details of appropriations, or that my assent is essential to the validity of any grants by the Vestry.

The Report (p. 20), *pretends* to derive from the evidence the following arguments, to show the necessity of widening the sphere of the corporators, so as to include among them sufficient wealth and intelligence for the choice of Wardens and Vestrymen!

"Dr. Haight describes the congregation at Trinity as made up of strangers, young men, transient residents, and the poor. Dr. Vinton testifies that the congregation at St. Paul's is composed mainly of strangers, clerks, mechanics, artizans, porters, washerwomen, hucksters, and miscellaneous poor, making their living as daily laborers. Dr. Higbee says that these removals have "gradually and surely deprived Trinity and St. Paul's of their regular congregations, and parochial spirit, responsibility, and efficiency?" and that they "diminish and weaken, in a continually increasing ratio, the constituency of the Corporation, thus destroying the equilibrium of the parish, and undermining its foundations as an institution of public charity." As an unavoidable consequence of this sweeping change, both in the number and the character of the corporators, it has been found impossible to "keep up the standing of the constituency;" and Dr. Berrian excuses the present state of things on the ground that in former times there was "a wider range than now for

the choice of distinguished and intelligent vestrymen," qualified to administer so important a trust.

Now let us turn to the testimony, and see what these Reverend gentlemen really say, for we have learned by sad experience not to depend on the quotations of the Report!

Dr. Haight says (p. 4.): "The congregation at Trinity Church is large, and composed in great part of strangers, transient residents, young men, clerks, &c., and the poor, upon none of whom is any tax, in the form of pew-rent or otherwise, laid for the support of the ministrations of the Church."

There is a slight difference between the words of the Report "made up of," and the language of the evidence "composed in great part of!" There are a few more left of the old sort, permanent worshippers in Trinity yet!

Dr. Vinton says (p. 60.): "At St. Paul's Chapel, the only one I speak of, the congregation is composed of three classes: first, the old families retaining their seats; second, strangers from the hotels, clerks, and sojourners of the city, engaged, for the most part, in mercantile business; third, mechanics, artisans, porters, washer-women, hucksters, and miscellaneous poor, who obtain their living by daily labor."

The Report omits as *unimportant* "the old families retaining their seats," some of whom are not quite beneath the notice even of State Senators.

Dr. Berrian and Dr. Higbee were both speaking of the *past*, not the present state of things. But surely a Senatorial Committee can change *tenses* as well as laws!

We might further show many errors of omission and commission, such as any reference to the fact that three of the Clergy, and one of the Vestry, had corrected the wrong impression given to their evidence; the blank silence, or even more questionable utterances of the Report as to *the gifts, endowments, charities, provisions*, for free churches, for missionaries, for "its own" and other poor, &c. But the whole Report and Testimony must be read, to show how strongly the main drift of the former runs against the current of the latter. The Committee, however, may find themselves mistaken in their estimate of the popular tide!

But, really, we have followed these vestiges of Senatorial creation far enough, perhaps beyond our reader's patience, to show the beautiful concord between the Testimony and the Report! The Committee have used their Senatorial powers to grant these a divorce, and as the parties can never agree, we had better allow them to remain separate. Perhaps, we should rather say, as a Select Committee, they have used their appropriate powers in *selecting* approved extracts from the testimony. Still this does not account for the omission of those parts which bear most strongly upon the great questions at issue. It may be that they believe in a Church without a Bishop! Thus only can we account for their omission, among many other important points, of the solemn testimony of Bishop Potter and Bishop Delancey, as to the fraud which would be committed, and the evils which would arise from the repeal of a law, which by the limitation of time, has become "a statute of repose."

We venture the supposition, we "*know* nothing," that the members of this venerable Committee are citizens of some larger town, perhaps of our metropolis. There is a dryness and a hardness in their Report, which speak nothing of the verdure and the freshness of rural scenes. Thus only can we account for the fact, that our country friends are not warned of the dangers and the evils which this proposed measure will bring upon them. They must be as green and verdant as their own beautiful meadows, if they do not see this. The bounty which has flowed to them, in gentle rivulets and quiet streams, our rapacious and greedy citizens are seeking to dam up and bring into a general reservoir *for city use*. The country may only become awake to this fact, when they see their Croton distributed in the pipes and bath-tubs of New-York. Then, woe to the politicians, and the political party, by whose aid this result has been accomplished! They will know the palsy which, by an eternal ordinance, will ever blight the hand daring to touch that which has been consecrated to the Most High.

Lest some may think that a fervid imagination is trying to excite them by its own dreams, we add the sober testimony given

under the solemnity of an oath, by Bishop Delancey of the Western Diocese of New-York.

"The repeal of the law would be disastrous to the whole Church of the State, outside the city. 1. By raising the question, as to the right of dispersing any of this property out of the city, which is denied by some, but which, the present Corporation has admitted, and has temporarily acted on. 2. By leading, almost necessarily, to the division of all the property among the city churches. 3. By thus cutting off all the feeble country churches from the benefit of this favor. 4. By stopping what has been a stream of most salutary and fertilizing benevolence to religious, charitable, or educational institutions in the rural districts."

We impeach no man's *motives*, but we speak our honest convictions, when we say that an attempt to stop, or to direct the present quiet and beneficent flow of the bounty from Trinity Church, is the act of no friend to the best interests of the Church or of the State. Who are they that are clamoring for this change? Are they the poor, or the needy, whose calls have been despised or neglected? The leaders in this movement are *rich men and rich congregations*, many of whom have already had their full share of property, which has ever been used, according to the best intentions, if not the wisest, for the glory of God and the good of man.

Our humble voice may never reach the ears of a single Legislator. If it does reach them, we say, pause, deliberate well, before you disturb that which has long reposed in the rest of the eternal shelter which Law should throw around Right. Enough already are the disturbing elements in the political atmosphere. Add not to the agitations of the State the elements of deeper excitement. Let the Church and her property alone. The State has enough to do in taking care of itself

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